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19 *Attorneys for Plaintiff Konami Gaming, Inc.*

20 **UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

21 Case No.: 2:14-CV-01483-RFB-NJK

22 KONAMI GAMING, INC., a Nevada
 23 corporation,

24 Plaintiff/Counterclaim-Defendant

25 v.

26 HIGH 5 GAMES, LLC, a Delaware limited
 27 liability company,

28 Defendant/Counterclaim-Plaintiff

**JOINT STIPULATION TO AMEND
THE JOINT STIPULATED
DISCOVERY PLAN AND
SCHEDULING ORDER AND TO
EXTEND TIME**

(Third Request)

19
 20 Pursuant to Local Rules LR IA 6-1 and LR 26-4, Plaintiff Konami Gaming, Inc. (“Konami”)
 21 or (“Plaintiff”) and Defendant High 5 Games, LLC (“High 5” or “Defendant”) hereby stipulate for
 22 the extension of time (1) to file Konami’s Reply Claim Construction Brief, presently scheduled
 23 for October 28, 2016; (2) to file Konami’s Response to High 5’s Motion for Summary Judgment,
 24 presently scheduled for November 14, 2016; and (3) to file High 5’s Reply in support of their
 25 Motion for Summary Judgment, presently anticipated for November 21, 2016.

26 **WHEREAS**, the parties to this action filed a proposed Joint Discovery Plan and
 27 Scheduling Order (“Scheduling Order”) on March 13, 2015 (Docket No. 25);
 28

1 **WHEREAS**, the Court denied the proposed Scheduling Order on March 16, 2015 (Docket
2 No. 26);

3 **WHEREAS**, the parties filed a revised proposed Scheduling Order on March 30, 2015
4 (Docket No. 29);

5 **WHEREAS**, the Court so ordered the Scheduling Order on April 2, 2015 (Docket No. 32);

6 **WHEREAS**, the parties stipulated to stay discovery and Claim Construction Deadlines on
7 September 14, 2015;

8 **WHEREAS**, the Court so ordered the stay on September 18, 2015 (Docket No. 43);

9 **WHEREAS**, the parties filed a further amended proposed Scheduling Order on September
10 22, 2015 (Docket No. 45);

11 **WHEREAS**, the Court so order the Scheduling Order on September 23, 2015 (Docket No.
12 46);

13 **WHEREAS**, the parties stipulated for the extension of time for discovery deadlines on
14 November 11, 2015 (Docket No. 51);

15 **WHEREAS**, the Court so order the Scheduling Order on November 12, 2015 (Docket No.
16 52);

17 **WHEREAS**, the parties have completed disclosure of infringement and non-infringement
18 contentions and are currently engaging in ongoing fact discovery;

19 **WHEREAS**, the claim construction process is on-going and the parties have not yet
20 completed expert discovery;

21 **WHEREAS**, counsel for the Konami has out-of-state court hearings during the week of
22 October 31st that requires extensive preparation this week and counsel has a trial out-of-state during
23 the week of November 15, all of which impacts the ability to timely complete the briefing;

24 **WHEREAS**, counsel for the parties have met and conferred, recognizing the complexity
25 of the claim construction and summary judgment issues outstanding before the Court;

26 **IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned
27 counsel for the named parties hereto, that the Scheduling Order and the motion response deadlines
28 shall be amended as follows:

Event	Proposed Date
Konami's Reply Claim Construction Brief (LR 1-16)	November 11, 2016
Konami's Response to High 5's Motion for Summary Judgement (Docket No. 92)	December 2, 2016
High 5's Reply in support of High 5's Motion for Summary Judgment (Docket No. 92)	December 16, 2016

IT IS FURTHER STIPULATED AND AGREED that nothing herein alters the obligations and requirements in the Scheduling Order and that this Stipulation is made in good faith and not for the purpose of delay.

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD,

Dated: October 25, 2016

By: /s/Robert Hernquist

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Attorneys for Plaintiff Konami Gaming

Dated: October 25, 2016

By: /s/Robert C. Ryan

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Attorney's for Defendant High 5 Games

ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED:

Dated: 11/7/16



RICHARD F. BOULWARE, II
United States District Judge